

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2005_1437A
Tor BRUUN et al. : **Confirmation No. 8839**
Serial No. 10/552,246 : Group Art Unit 3744
Filed June 9, 2006 : Examiner Leonard R. Leo
METHOD AND EQUIPMENT FOR : **Mail Stop: AMENDMENT**
DISTRIBUTION OF TWO FLUIDS INTO
AND OUT OF THE CHANNELS IN A
MULTI-CHANNEL MONOLITHIC
STRUCTURE AND USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of September 9, 2009, Applicants hereby elect Group II, which is drawn to a manifold and is embodied by claims 28-46. This election is made with traverse.

Initially, it is noted that no objections, based on lack of unity, were raised by the International Preliminary Examination Authority.

As will be demonstrated below, the method and product claims do in fact relate to a single general inventive concept under PCT Rule 13.1. Each of the identified groups of claims requires a manifold, as further defined in claims 28-46, that is necessary to permit the method defined in claim 23-27 to be performed in an appropriate manner. The Examiner indicates that claims 23-27 are drawn to a heat exchanger. However, claims 23-27 are directed to a method of distributing two fluids into and out of channels in a multi-channel monolithic structure

wherein one fluid is fed through a slot in one or more gaps in a manifold head which is sealed to one face of said monolith structure. Method claim 23 requires several specifics of the manifold head.

Further, the Examiner states that "the combination does not rely on the details of the specific subcombination." However, as noted above, the claims are not related as combination/subcombination but rather as method/apparatus. Also, unity of invention practice (PCT Rules 13.1 and 13.2) does not require that all of the limitations of one group be included in the related group. The Examiner's comments are relevant to U.S. restriction practice when considering claims directed to a combination and a subcombination. However, the present application is a "U.S. National Stage" application, and therefore unity of invention practice in accordance with 37 C.F.R. 1.475 and 1.499 is applicable. (MPEP 1893.03(d))

Furthermore, Applicants note that, during the PCT phase of the international application, only documents characterized as "A" documents were cited, and such documents merely define the general state of the art.

In view of the above, the Examiner is requested to withdraw the restriction requirement set forth in the previous Office Action, and conduct a full examination on the merits of claims 23-46.

Respectfully submitted,

Tor BRUUN et al.

/Michael S. Huppert/
By _____
2009.10.09 16:13:22 -04'00'

Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20005-1503
Telephone (202) 721-8200
October 9, 2009